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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/589,334

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Kenji Arai

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EXAMINER

BATAILLE, PIERRE MICHE

ART UNIT

PAPER NUMBER

2186

MAIL DATE

DELIVERY MODE

09/18/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/589,334	Applicant(s) ARAI ET AL.	
	Examiner Pierre-Michel Bataille	Art Unit 2186	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) 6-8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The present Office Action is taken in response to Applicant's communication filed June 18, 2009 responding to non-Final rejection dated March 05, 2009. Applicant's amendment and/or arguments have been considered with the results that follow.
2. Claims 1-5 are now pending in the application under prosecution as claim 6-8 have been canceled by applicant's amendment.

Response to Arguments

3. Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by US 2004/0143695 (Hashimoto).

With respect to claim 1, Hoshimoto teaches A method of backing up vehicular data in a vehicular system that includes an engine electronic control unit for controlling an engine and a plurality of electronic units including a data storing function (**electronic control apparatus is provided with a program memory, a data memory**) [Par. 0012-0015], with the vehicular system being configured such that data can be transmitted and received between the engine electronic

Art Unit: 2186

control unit and the electronic units via a vehicular communication network

(vehicular electronic control apparatus provided with microprocessor to control the vehicle electric loads on the basis of operational states and transfer section for transferring variable control data) [Par. 0013-0015], the method comprising: recognizing with a flag in the engine electronic control unit, a first time the engine electronic control unit is installed (a flag to indicate changes as control variable data and history information data being subjected to learning corrections and history changes); storing the most recent content of accumulated data including an engine running time data and a running history data in the engine electronic control unit and as backup data in the electronic units via the vehicular communication network at an appropriate time **(reference data written in advance to the reference data storage memory, i.e., control variable data to be stored in the data memory are at least one of control-apparatus-specific data and vehicle-specific data and learning storage data, the vehicle-specific data including at least one of vehicle type data and vehicle sensor environment data) [Par. 0086-0088];** transferring, when the engine electronic control unit is replaced, the backup data via the vehicular communication network to a replaced engine electronic control unit from any of the electronic units with reference to the flag provided in the replaced engine electronic unit **(the data memory abnormality judging means is constructed to judge whether the variable control data stored in the nonvolatile data memory are normal or abnormal);** and initializing the replaced engine

electronic unit with the backup data transferred via the vehicular communication network **(writing estimated variable control data or replacement control variable on the basis of reference data that have been stored in another nonvolatile memory in advance as backup information stored in the reference data storage memory)**[Fig. 2; Par. 0131-0132, 0136-0138, 0160].

With respect to claim 3, Hashimoto teaches the vehicular data backup method further comprising demanding a transferring of the backup data from any of the electronic units when the engine electronic control unit has been replaced; and when it has been determined that the backup data which has been transferred from any of the electronic control units when the engine electronic control unit has been replaced cannot be used, initializing the engine electronic control unit with default data **(writing estimated variable control data or replacement control variable on the basis of reference data that have been stored in another nonvolatile memory in advance as backup information stored in the reference data storage memory)**[Par. 0136-0138, 0160].

With respect to claim 4, Hashimoto teaches the vehicular data backup method wherein the default data is stored in a memory in the engine electronic control unit **(writing estimated variable control data or replacement control variable on the basis of reference data that have been stored in another nonvolatile memory in advance as backup information stored in the reference data storage memory)**[Par. 0136-0138, 0160].

Art Unit: 2186

With respect to claim 5, Hashimoto teaches the vehicular data backup method, wherein a non-volatile memory is disposed in the electronic unit, and the backup data is stored in the non-volatile memory ***(writing estimated variable control data or replacement control variable on the basis of reference data that have been stored in another nonvolatile memory in advance as backup information stored in the reference data storage memory)***[Par. 0136-0138, 0160].

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre-Michel Bataille whose telephone number is (571) 272-4178. The examiner can normally be reached on Mon-Fri (8:00A to 5:30P).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew M. Kim can be reached on (571) 272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2186

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Pierre-Michel Bataille
Primary Examiner
Art Unit 2186

/Pierre-Michel Bataille/
Primary Examiner, Art Unit 2186